



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS

**PRICE DANIEL
ATTORNEY GENERAL**

August 13, 1947

Honorable Thomas D. Broad,
Secretary-Treasurer,
State Board of Architectural Examiners,
Burt Building,
Dallas, Texas

Opinion No. V-339

Re: The effect of H. B. 269,
50th Legislature upon
Chapter 274, Acts of the
48th Legislature govern-
ing registration and ex-
amination of architects.

Dear Sir:

Your request for an opinion upon the above
subject matter is as follows:

"We refer to House Bill No. 269 amending
and re-enacting Chapter 274, page 406,
Section 1, Acts of the Forty-eighth Legis-
lature and extending the time for regis-
tering under this Act without examination.

"The original Act provided that the prac-
tice of Architecture at the time of appli-
cation be a man's principal means of live-
lihood. It also provided that he be 21
years of age. House Bill No. 269 does not
mention these provisions. Are we to pre-
sume that these conditions are still in ef-
fect or does House Bill No. 269 specific-
ally take the place of the original measure
and set aside those provisions which are
not now mentioned in it."

Section 35 of Article III of the Constitu-
tion declares:

"No bill, except general appropri-
ation bills which may embrace the various
subjects and accounts, for and on account
of which moneys are appropriated, shall

contain more than one subject, which shall be expressed in its title. . . ."

Under this section it has been many times held that where the title to a bill is affirmatively misleading or deceptive it does not state the subject within the meaning of the Constitution, and such bill, if passed by the Legislature is ineffective. Gulf Ins. Co. v. James, 185 S. W. (2d) 966; Walker v. State, 116 S. W. (2d) 1076; City of Cross Plains v. Radford, 73 S. W. (2d) 1093; Sutherland v. Board of Trustees, 161 S. W. 489 (writ ref.)

The title to House Bill No. 269 is as follows:

"An act to amend and re-enact Chapter 274, page 406, Section 1, Acts of the 48th Legislature, so that an additional period is provided in which practicing architects who were practicing on May 22, 1937, may register and receive a certificate without examination; and declaring an emergency."

It will be noted the title specifically names the respect in which Section 1 (the only section in the original act) is to be amended, that is, "so that an additional period in which practicing architects who were practicing on May 22, 1937, may register and receive a certificate without examination."

The act has gone beyond this expressed subject of amending Chapter 274 in that it has amended that chapter in other respects. In order that this may be graphically shown we quote the relevant portions of the amended and the amending Sections 1 as follows:

Section 1 of Chapter 274:

"That any person of good moral character who, on May 22, 1937, was practicing architecture in the State of Texas, as his or her principal vocation and had been so engaged in the practice of architecture for a period of at least six (6) months prior to May 22, 1937, and who shall present to the

Board of Architectural Examiners of this State an affidavit to that effect, shall be entitled to receive from said Board, . . ." (portion underscored is omitted)

Section 1 of House Bill No. 269:

"That any person of good moral character, who on May 22, 1937, was practicing architecture in Texas, or who was a citizen of Texas and was practicing architecture in the employ of an American Company in a foreign country and had been engaged in the practice of architecture six (6) months prior to May 22, 1937, and who shall present to the Board of Architectural Examiners of this State an affidavit to that effect shall be entitled to receive from said Board. . . ." (portion underscored is added.)

We have underscored those portions of Chapter 274 which have been omitted in House Bill No. 269, and likewise those provisions of House Bill 269 that have been added. Normally an amendment of a statute can be made by omission as well as by addition. It cannot be said that the portions omitted in the process were insubstantial. They are of the substance of the law. They were written with meticulous care.

We need not decide the question of the effect of House Bill No. 269 upon Chapter 274 of the 48th Legislature because we have reached the conclusion that House Bill No. 269, as passed, is void and has no effect whatever; for which reason, of course, Chapter 274 of the 48th Legislature remains unaffected as the law.

SUMMARY

House Bill 269 of the 50th Legislature, amending Chapter 274 of the 48th Legislature with respect to registration and examination of architects is void

because of a misleading and deceptive
title declaring the purpose and ex-
tent of the amendment proposed.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By



Ocie Speer
Assistant

OS:wb

APPROVED:



ATTORNEY GENERAL